IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 111 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAMANBHAI KANUBHAI PATEL

Versus

UMARETH NAGAR PALIKA

Appearance: MR DAXESH T DAVE for the Petitioner.
MR SANJAY M DOSHI for the Respondent.

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 24/03/2004

ORAL JUDGEMENT

This petition is filed by the original plaintiff of Regular Civil Suit No.99 of 1992, which is pending before the Court of Civil Judge (Junior Division), Umreth. In the said suit, the plaintiff gave an application Exhibit 5 for interim injunction, restraining the defendants from dispossessing the petitioner from the suit premises. The trial court rejected the said application, against which an appeal, being Civil Miscellaneous Appeal No.321 of 1993, was preferred by the

present Petitioner. The appellate court has also rejected the said appeal, against which this revision is preferred.

Mr.Dave, learned Advocate for the petitioner, has frankly submitted that this revision, which is filed against an interlocutory order, is not maintainable in view of the amendment of Section 115 of the Code of Civil Procedure. The revision is accordingly disposed of as not maintainable. Rule is discharged. No costs.

At this stage, Mr.Dave, learned Advocate for the petitioner, submitted that the petitioner would like to prefer a petition under Article 227 of the Constitution of India, and, therefore, the interim relief granted earlier may be continued for some time. Since this court has not expressed any opinion on the merits of the issue involved in this Civil Revision Application, and since the revision is disposed of only on the ground that it is not maintainable, it would be open for the petitioner herein to file a petition under Article 227 of the Constitution of India, challenging the impugned order. Since interim relief is in operation since long, the same is ordered to be continued upto 15th April, 2004.

24th March, 2004 (P.B. Majmudar, J.)

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(apj)